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**POWER OF ATTORNEY  
and  
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INDICATION FORM**

Application Number	09/396,539
Filing Date	September 14, 1999
First Named Inventor	Peter Palese
Title	RECOMBINANT NEGATIVE STRAND RNA
Art Unit	1636
Examiner Name	Terry Alan McKelvey
Attorney Docket Number	26-003700US

I hereby appoint:

☒ Practitioners associated with the Customer Number:

OR

☐ Practitioner(s) named below:



**22798**

PATENT TRADEMARK OFFICE

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

<input checked="" type="checkbox"/> Firm or Individual Name:	Quine Intellectual Property Law Group, P.C.				
Address	P.O. Box 458				
Address					
City	Alameda	State	CA	Zip	94501
Country	United States				
Telephone	(510) 337-7871	Fax	(510) 337-7877		

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)

**SIGNATURE of Applicant or Assignee of Record**

Name	William C. Bertrand, Vice President, General Counsel		
Signature	<i>William C. Bertrand</i>		
Date	12/14/2004	Telephone	301-398-4625

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☐ \*Total of \_\_\_\_\_ forms are submitted.

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below.

Typed or Printed Name	Amelia Weintraub		
Signature	<i>Amelia Weintraub</i>	Date	December 14, 2004



I hereby certify that this correspondence is being deposited with the United States Postal Service first class mail in an envelope addressed to:  
Commissioner for Patents, PO Box 1450, Alexandria, VA 22313-1450, on December 14, 2004

By Amelia Weintraub  
Amelia Weintraub, QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.

Attorney Docket No. 26-003700US  
Client Reference No.: NS104D1

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Peter Palese, et al.

Examiner: Terry Alan McKelvey

Application No.: 09/396,539

Art Unit: 1636

Filed: September 14, 1999

SUBMISSION OF STATEMENT UNDER  
37 CFR 3.73 (B)

For: RECOMBINANT NEGATIVE  
STRAND RNA VIRUS EXPRESSION  
SYSTEMS AND VACCINES

Commissioner for Patents  
PO BOX 1450  
Alexandria, VA 22313-1450

Sir:

Please make of record the following enclosed documents regarding the above-identified application:

- 1) Statement Under 37 CFR 3.73(b); and,
- 2) Power of Attorney and Correspondence Address Indication Form.

It will be appreciated that the chain of title of the invention, as based on the allowed claims, derives from material present in application 07/527,237 (now USPN 5,166,057). The inventors of such material (namely Peter Palese, Mark Krystal, and Jeffrey Parvin) assigned their rights as reflected in the attached assignments.

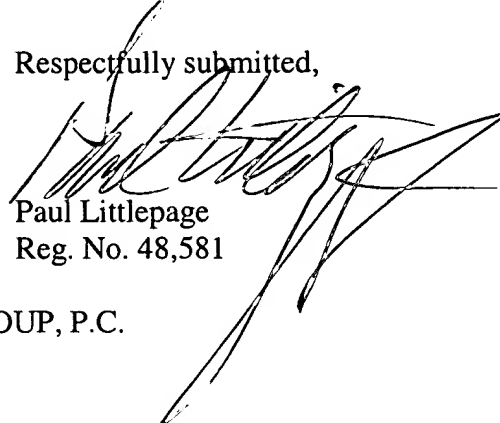
The inventorship of the present application (Peter Palese and Adolfo Garcia-Sastre) is in the process of being changed to Peter Palese, Mark Krystal, and Jeffrey Parvin, in order to accurately reflect the correct inventorship and will thus match the attached assignments.

Also, while the priority history of the current application contains a continuation-in-part application (application number 08/190,698) between application 07/527,237 and the present

Peter Palese, et al.  
Application No.: 09/396,539  
Page 2

application, the material giving rise to the current allowed claims was present in application 07/577,237 and was therefore assigned by Palese, Krystal, and Parvin as indicated on the attached documents.

Respectfully submitted,



Paul Littlepage  
Reg. No. 48,581

QUINE INTELLECTUAL PROPERTY LAW GROUP, P.C.  
P.O. BOX 458  
Alameda, CA 94501  
(510) 337-7871  
Fax (510) 337-7877



PTO/SB/98 (06-04)  
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**STATEMENT UNDER 37 CFR 3.73(b)**

Applicant: Peter Palese, et al.

Application No.: 09/396,539

Filed: September 14, 1999

Entitled: **RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS  
AND VACCINES**

MedImmune Vaccines, Inc.

, a

corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of an undivided part interest

in the patent application identified above by virtue of either:

A. ☐ An assignment from the inventor(s) of the patent application identified above. The assignment was recorded in the Patent and Trademark Office at Reel \_\_, Frame \_\_, or for which a copy thereof is attached.

OR

B. ☒ A chain of title from the inventor(s), of the patent application identified above, to the current assignee as shown below:

1. From: the inventors To: Mt. Sinai School of Medicine  
The document was recorded in the Patent and Trademark Office at Reel 5325, Frame 0566, and for which a copy thereof is attached.
2. From: Mt. Sinai School of Medicine To: Aviron  
The document was recorded in the Patent and Trademark Office at Reel 6949 Frame 0905, and for which a copy thereof is attached.
3. From: Aviron To: MedImmune Vaccines, Inc.  
The document was recorded in the Patent and Trademark Office at Reel \_\_\_\_, Frame \_\_\_\_, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet

☒ Copies of assignments or other documents in the chain of title are attached.

The undersigned (whose title is supplied below) is empowered to sign this statement on behalf of the assignee.

12-14-2004

Date

William C. Bertrand

Signature

William C. Bertrand

Typed or printed name

Vice President, General Counsel

Title

1152737  
B/K



Form PO-140  
Form approved by  
Comptroller General U.S.  
September 22, 1980  
U.S. DEPARTMENT OF COMMERCE  
PATENT OFFICE

**DEPOSIT ACCOUNT ORDER FORM**

MAILED TO: Commissioner of Patents,  
Washington, D.C. 20231  
Date: May 22, 1990  
Account No.: 16-1150  
Order No.: 6923-004

Name and Address of Depositor:  
**PENNIE & EDMONDS**  
**1155 AVENUE OF THE AMERICAS**  
**NEW YORK, N.Y. 10036**

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ITEM OR SERVICE	VALUE FURNISHED (ACTION OFF USE)

RECEIVED  
90 JUN 11 8 06  
U.S. PATENT OFFICE

Re: U.S. Patent Application entitled "RECOMBINANT NEGATIVE STRAND RNA  
VIRUS EXPRESSION SYSTEMS AND VACCINES" by Dr. Peter Palese, Dr. Mark  
Krystal and Dr. Jeffrey Parvin.

Attached please find an executed Assignment of the above-identified application  
and the invention disclosed therein from Dr. Peter Palese, Dr. Mark Krystal and  
Dr. Jeffrey Parvin to The Mount Sinai School of Medicine of the City University  
of New York. Said Assignment was executed by Dr. Peter Palese and Dr. Mark  
Krystal on May 17, 1990 and by Dr. Jeffrey Parvin on May 21, 1990. We request  
that the Assignment be recorded in the U.S. Patent and Trademark Office. Please  
charge the required fee to our Deposit Account NO. 16-1150; a duplicate of this  
form is attached for accounting purposes.

If additional space is needed attach separate sheet.

*Laura A. Coruzzi*  
Laura A. Coruzzi

THIS FORM MAY BE REPRODUCED WITHOUT PERMISSION OF THE PATENT OFFICE.

30-742  
Registration No.

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City, State, Zip Code: **NEW YORK, N.Y. 10036**

YOUR ORDER NO.

93118826

115325111666



5923-0004

## ASSIGNMENT

WHEREAS, Dr. Peter Palese, a citizen of the United States residing at 414 Highwood Avenue, Teaneck, New Jersey 07605; Dr. Jeffrey D. Parvlin, a citizen of the United States residing at 43 Marion Road, Belmont, Massachusetts 02178; Dr. Mark Krystal, a citizen of the United States residing at 349 Moore Avenue, Teaneck, New Jersey 07605; (herein called "ASSIGNORS") are the inventors of the invention in RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS AND VACCINES, the application executed concurrently herewith; and

WHEREAS, The Mount Sinai School of Medicine of the City University of New York, a corporation organized and existing under the laws of the State of New York, having a place of business at One Gustave L. Levy Place, New York, New York 10029-6574 (herein called "ASSIGNEE"), is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said applications;

NOW, THEREFORE, in consideration of the sum of one dollar (\$1.00) to us in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, we, the said ASSIGNORS, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States Application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all issues and extensions thereof, and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and issues thereof;

AND WE HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND WE HEREBY covenant and agree that we have a full right to convey the entire interest herein assigned, and that we have not executed, and will not execute, any agreement in conflict herewith.

AND WE HEREBY further covenant and agree that we will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to us respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, we hereunto set our hands and seals the day and year set opposite our respective signatures.

Dated: 5/17/90, 19

PETER PALESE  
PETER PALESE

State of New York, SS.:  
County of New York

On this 17th day of May, 1990, before me, a Notary Public, in and for the State and County aforesaid, personally appeared PETER PALESE, to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

Bertha S. Levonas  
Notary Public

BERTHA S. LEVONAS  
NOTARY PUBLIC, State of New York  
No 141,2336183  
Qualified in New York County  
Commission Expires January 31, 1992









UNITED STATES DEPARTMENT OF COMMERCE  
Patent and Trademark Office  
ASSISTANT SECRETARY AND COMMISSIONER  
OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

DATE: 06/02/94  
TO:

N08C

PENNIE & EDMONDS  
LAURA A. CORUZZI  
1155 AVENUE OF THE AMERICAS  
NEW YORK, NY 10036

REFERRED TO *NGeeige*

REC'D JUN 10 1994

UNITED STATES PATENT AND TRADEMARK OFFICE  
NOTICE OF RECORDATION OF ASSIGNMENT DOCUMENT D.K. for U.S.

THE ENCLOSED DOCUMENT HAS BEEN RECORDED BY THE ASSIGNMENT BRANCH OF THE U.S. PATENT AND TRADEMARK OFFICE. A COMPLETE MICROFILM COPY IS AVAILABLE AT THE U.S. PATENT AND TRADEMARK OFFICE ON THE REEL AND FRAME NUMBER REFERENCED BELOW.

PLEASE REVIEW ALL INFORMATION CONTAINED ON THIS NOTICE. THE INFORMATION CONTAINED ON THIS RECORDATION NOTICE REFLECTS THE DATA PRESENT IN THE PATENT ASSIGNMENT PROCESSING SYSTEM. IF YOU SHOULD FIND ANY ERRORS OR QUESTIONS CONCERNING THIS NOTICE, YOU MAY CONTACT THE EMPLOYEE WHOSE NAME APPEARS ON THIS NOTICE AT 703-308-9723. PLEASE SEND REQUEST FOR CORRECTION TO: U.S. PATENT AND TRADEMARK OFFICE, ASSIGNMENT BRANCH, NORTH TOWER BUILDING, SUITE 10C35, WASHINGTON, D.C. 20231

ASSIGNOR: DOC DATE: 09/13/93  
MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY OF NEW YORK, THE

RECORDATION DATE: 04/20/94 NUMBER OF PAGES 003 REEL/FRAME 6949/0905

DIGEST :

CORRECTIVE ASSIGNMENT (SEE DOCUMENT FOR DETAILS)

ASSIGNEE:  
AVIRON, INC.  
1450 ROLLINS ROAD  
BURLINGAME, CA 94010

SERIAL NUMBER 7-527237 ✓ FILING DATE 05/22/90 ✓  
PATENT NUMBER 5,166,057 ✓ ISSUE DATE 11/24/92 ✓

*JEAN McDowell*  
EXAMINER/PARALEGAL  
ASSIGNMENT BRANCH  
ASSIGNMENT/CERTIFICATION SERVICES DIVISION

RECORDATION FORM COVER SHEET PATENTS ONLY		Attorney Docket Number <b>7682-010</b>
<p>TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS Box Assignments Washington, DC 20231</p> <p>Please record the attached original documents or copy thereof.</p>		
<p>1. Name of conveying party(ies):</p> <p><b>The Mount Sinai School of Medicine of the City of New York</b></p> <p>Additional name(s) of conveying party(ies) attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	<p>2. Name and address of receiving party(ies):</p> <p>Name: <b>Aviron, Inc.</b></p> <p>Address: <b>1450 Rollins Road</b></p> <p><b>Burlingame, CA 94010</b></p> <p>Country (if other than USA):</p>	
<p>3. Nature of conveyance:</p> <p><input type="checkbox"/> Assignment <input type="checkbox"/> Merger</p> <p><input type="checkbox"/> Security Agreement <input type="checkbox"/> Change of Name</p> <p><input checked="" type="checkbox"/> Other <b>Corrected Recordation Form</b></p> <p>Execution Date: <b>September 13, 1993</b></p>	<p>4. Application number(s) or patent number(s):</p> <p>If this document is being filed together with a new application, the execution date of the application is:</p> <p>A. Patent Application No.(s) B. Patent No.(s) <b>5,166,057</b></p> <p>Additional numbers attached? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>5. Name and address of party to whom correspondence concerning document should be mailed:</p> <p><b>PENNIE &amp; EDMONDS</b> 1155 Avenue of the Americas New York, NY 10036</p>	<p>6. Number of applications and patents involved: <b>1 patent</b></p> <p>7. Total fee (37 CFR 3.41): <b>\$40.00</b> Please charge to the deposit account listed in Section 8.</p> <p>8. Deposit account number: <b>16-1150</b> (A copy of this page is attached)</p>	
DO NOT USE THIS SPACE		
<p>9. Statement and signature.</p> <p><i>To the best of my knowledge and belief, the foregoing information is true and correct and any attached copy is a true copy of the original document.</i></p> <p><b>Laura A. Coruzzi</b> <b>30,742</b> <i>Laura A. Coruzzi</i> <b>April 20, 1994</b></p> <p>Name of Person Signing Reg. No. Signature Date</p> <p>(5) Total number of pages including cover sheet: <b>5 (including duplicate fee)</b></p>		

Mail documents to be recorded with required cover sheet information to:  
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91800496

## EXPRESS MAIL CERTIFICATION

"Express Mail" label No. **TB 389 227 23406**Date of Deposit **April 20, 1994**

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. 1.10 on the date indicated above and is addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231.

ISMAEL MALDONADO

(Type or print name of person mailing paper or fee)

(Signature of person mailing paper or fee)

SOLE

## ASSIGNMENT

WHEREAS, THE MOUNT SINAI SCHOOL OF MEDICINE OF THE CITY OF NEW YORK, ASSIGNOR, an educational institution organized and existing under the laws of the State of New York, and having an office for the transaction of business at One Gustave Levy Place, New York, New York 10029-6574, owner of the entire right, title and interest in, to and under the below-identified invention entitled "RECOMBINANT NEGATIVE STRAND RNA VIRUS EXPRESSION SYSTEMS" by PETER PALESE, JEFFREY D. PARVIN AND MARK KRYSTAL, by virtue of an Assignment recorded on May 22, 1990, at Reel 5325, Frame 0566-0569, for the application for a Patent of the United States

- ☒ which is identified by Pennie & Edmonds docket no. 7682-010  
☒ which was issued on November 24, 1992, U.S. Patent No. 5,166,057

and WHEREAS, AVIRON, Inc., ASSIGNEE, having an office for the transaction of business at 1450 Rollins Road, Burlingame, California 94010 is desirous of obtaining the entire right, title and interest in, to and under the said invention and the said application:

NOW, THEREFORE, in consideration of the sum of One Dollar (\$1.00) to me in hand paid, and other good and valuable consideration, the receipt of which is hereby acknowledged, I, the said ASSIGNOR, have sold, assigned, transferred and set over, and by these presents do hereby sell, assign, transfer and set over, unto the said ASSIGNEE, its successors, legal representatives and assigns, the entire right, title and interest in, to and under the said invention, and the said United States application and all divisions, renewals and continuations thereof, and all Patents of the United States which may be granted thereon and all reissues and extensions thereof; and all applications for industrial property protection, including, without limitation, all applications for patents, utility models, and designs which may hereafter be filed for said invention in any country or countries foreign to the United States, together with the right to file such applications and the right to claim for the same the priority rights derived from said United States application under the Patent Laws of the United States, the International Convention for the Protection of Industrial Property, or any other international agreement or the domestic laws of the country in which any such application is filed, as may be applicable; and all forms of industrial property protection, including, without limitation, patents, utility models, inventors' certificates and designs which may be granted for said invention in any country or countries foreign to the United States and all extensions, renewals and reissues thereof;

AND I HEREBY authorize and request the Commissioner of Patents and Trademarks of the United States, and any Official of any country or countries foreign to the United States, whose duty it is to issue patents or other evidence or forms of industrial property protection on applications as aforesaid, to issue the same to the said ASSIGNEE, its successors, legal representatives and assigns, in accordance with the terms of this instrument.

AND I HEREBY covenant and agree that I have full right to convey the entire interest herein assigned, and that I have not executed, and will not execute, any agreement in conflict herewith.

AND I HEREBY further covenant and agree that I will communicate to the said ASSIGNEE, its successors, legal representatives and assigns, any facts known to me respecting said invention, and testify in any legal proceeding, sign all lawful papers, execute all divisional, continuing, reissue and foreign applications, make all rightful oaths, and generally do everything possible to aid the said ASSIGNEE, its successors, legal representatives and assigns, to obtain and enforce proper protection for said invention in all countries.

IN TESTIMONY WHEREOF, I hereunto set my hand and seal this 13<sup>th</sup> day of September 1993.

NOV 10 93

By: Nathan Kase

L.S.

Nathan G. Kase, Dean, The Mount Sinai  
School of Medicine of the City of New York

State of New YorkNOTARY PUBLIC  
OFFICECounty of New York

SS.:

On this 13<sup>th</sup> day of September, 1993, before me, a Notary Public in and for the State and County aforesaid, personally appeared NATHAN KASE to me known and known to me to be the person of that name, who signed and sealed the foregoing instrument, and he acknowledged the same to be his free act and deed.

FPR 20 91

NOTARY PUBLIC  
OFFICE

KATHURYN E. GREEN  
Notary Public, State of New York  
No. 21-573370  
Qualified in New York County  
Commission Expires December 28, 1998 94

Notary Public.

PDNY-202549.1

REC-6777 HANC691

REC-6777 HANC691

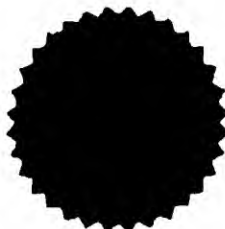
# Delaware

PAGE 1

*The First State*

I, HARRIET SMITH WINDSOR, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY THE ATTACHED IS A TRUE AND CORRECT COPY OF THE CERTIFICATE OF AMENDMENT OF "AVIRON", CHANGING ITS NAME FROM "AVIRON" TO "MEDIMMUNE VACCINES, INC.", FILED IN THIS OFFICE ON THE TENTH DAY OF APRIL, A.D. 2002, AT 11 O'CLOCK A.M.

A FILED COPY OF THIS CERTIFICATE HAS BEEN FORWARDED TO THE NEW CASTLE COUNTY RECORDER OF DEEDS.



*Harriet Smith Windsor*  
Harriet Smith Windsor, Secretary of State

2600915 8100

AUTHENTICATION: 1712941

020228733

DATE: 04-10-02



STATE OF DELAWARE  
 SECRETARY OF STATE  
 DIVISION OF CORPORATIONS  
 FILED 11:00 AM 04/10/2002  
 020228732 - 2600915

# **AVIRON**

## **CERTIFICATE OF AMENDMENT TO AMENDED AND RESTATED CERTIFICATE OF INCORPORATION**

AVIRON, a corporation organized and existing under the laws of the State of Delaware (the "Corporation"), hereby certifies as follows:

1. The Board of Directors of the Corporation, acting by the Written Consent of its Sole Director, duly adopted, pursuant to Section 242 of the General Corporation Law of the State of Delaware (the "GCL"), resolutions setting forth this proposed Amendment to the Amended and Restated Certificate of Incorporation of said Corporation and declaring said Amendment to be advisable and directing that such Amendment be presented to the sole stockholder of the Corporation for consideration and approval;

2. The stockholder of the Corporation, acting by the Written Consent of its Sole Stockholder, approved and adopted this proposed Amendment to the Restated Certificate of Incorporation of said Corporation in accordance with Section 242 of the GCL;

3. Article 1 of the Amended and Restated Certificate of Incorporation of the Corporation, dated January 15, 2002, is hereby amended to read in full as follows:

"The name of the Corporation is: MediImmune Vaccines, Inc."

IN WITNESS WHEREOF, AVIRON has caused this Certificate to be signed by  
David M. Mott, Chief Executive Officer, this day 8 of April 2002.

AVIRON

By: 

David M. Mott

Chief Executive Officer

NY-409401.1

PAGE 03

DEWEY BALLANTINE LLP

212-259-7382

04/10/2002 10:54

APR 10 2002 12:46

302 655 5049

PAGE.04

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